



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0344

Introduced 2/7/2007, by Sen. William E. Peterson

SYNOPSIS AS INTRODUCED:

105 ILCS 5/9-11	from Ch. 122, par. 9-11
105 ILCS 5/17-2.05 new	
105 ILCS 5/19-2	from Ch. 122, par. 19-2
105 ILCS 5/19-3	from Ch. 122, par. 19-3
105 ILCS 5/19-9	from Ch. 122, par. 19-9
30 ILCS 805/8.31 new	

Amends the School Code. With respect to certain propositions concerning the levy of a tax or the issuance of bonds, provides that if a majority of the persons voting on the proposition vote "No", then the proposition must not be submitted again in the school district for at least 22 months. Provides that if the school district has an emergency situation that requires that such a proposition be placed on the ballot, then the district may petition the local circuit court. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB095 04655 NHT 24713 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Sections
5 9-11, 19-2, 19-3, and 19-9 and by adding Section 17-2.05 as
6 follows:

7 (105 ILCS 5/9-11) (from Ch. 122, par. 9-11)

8 Sec. 9-11. Tax rate increase - notice of election - ballot.
9 In addition to the notice requirements of the general election
10 law, whenever a proposition to increase a school tax rate is
11 submitted to be voted upon by the voters of any district the
12 notice of such election shall include an estimate of the
13 approximate amount of taxes extendible under the maximum rate
14 then in force and an estimate of the approximate amount of
15 taxes extendible under the proposed increased rate, such
16 amounts being computed upon the last known full, fair cash
17 value; provided that any error, miscalculation or inaccuracy in
18 computing such amounts shall not invalidate or affect the
19 validity of any rate so increased. The board of directors shall
20 make such estimate and the secretary shall certify such amount
21 to the election authority as part of the certification of the
22 proposition as required by the general election law. Such
23 estimate shall appear on the ballot on which the proposition is

1 printed, but shall not appear as a part of the proposition. If
2 a majority of the persons voting on a proposition vote "No",
3 then the proposition must not be submitted again in the school
4 district for at least 22 months. If the school district has an
5 emergency situation that requires that such a proposition be
6 placed on the ballot, then the district may petition the local
7 circuit court.

8 (Source: P.A. 83-448.)

9 (105 ILCS 5/17-2.05 new)

10 Sec. 17-2.05. Limitation on referendum frequency. If a
11 majority of the persons voting on a proposition allowed under
12 this Article vote "No", then the proposition must not be
13 submitted again in the school district for at least 22 months.
14 If the school district has an emergency situation that requires
15 that such a proposition be placed on the ballot, then the
16 district may petition the local circuit court.

17 (105 ILCS 5/19-2) (from Ch. 122, par. 19-2)

18 Sec. 19-2. School directors - Power to borrow money and
19 issue bonds. For the purpose of building or repairing
20 schoolhouses or purchasing or improving school sites, the
21 directors of any school district, when authorized by a majority
22 of the votes cast on such proposition conducted in accordance
23 with the general election law, may borrow money; and, as
24 evidence of such indebtedness, may issue bonds signed by the

1 president and clerk of the board, in denominations of not less
2 than \$100, and bearing interest at a rate not exceeding the
3 maximum rate authorized by the Bond Authorization Act, as
4 amended at the time of the making of the contract. If a
5 majority of the persons voting on a bond proposition vote "No",
6 then the proposition must not be submitted again in the school
7 district for at least 22 months. If the school district has an
8 emergency situation that requires that such a proposition be
9 placed on the ballot, then the district may petition the local
10 circuit court.

11 With respect to instruments for the payment of money issued
12 under this Section either before, on, or after the effective
13 date of this amendatory Act of 1989, it is and always has been
14 the intention of the General Assembly (i) that the Omnibus Bond
15 Acts are and always have been supplementary grants of power to
16 issue instruments in accordance with the Omnibus Bond Acts,
17 regardless of any provision of this Act that may appear to be
18 or to have been more restrictive than those Acts, (ii) that the
19 provisions of this Section are not a limitation on the
20 supplementary authority granted by the Omnibus Bond Acts, and
21 (iii) that instruments issued under this Section within the
22 supplementary authority granted by the Omnibus Bond Acts are
23 not invalid because of any provision of this Act that may
24 appear to be or to have been more restrictive than those Acts.

25 The proceeds of any bonds issued under authorization of
26 this Section shall be deposited and accounted for separately

1 within the Site and Construction/Capital Improvements Fund.

2 (Source: P.A. 86-4; 87-984.)

3 (105 ILCS 5/19-3) (from Ch. 122, par. 19-3)

4 Sec. 19-3. Boards of education. Any school district
5 governed by a board of education and having a population of not
6 more than 500,000 inhabitants, and not governed by a special
7 Act may borrow money for the purpose of building, equipping,
8 altering or repairing school buildings or purchasing or
9 improving school sites, or acquiring and equipping
10 playgrounds, recreation grounds, athletic fields, and other
11 buildings or land used or useful for school purposes or for the
12 purpose of purchasing a site, with or without a building or
13 buildings thereon, or for the building of a house or houses on
14 such site, or for the building of a house or houses on the
15 school site of the school district, for residential purposes of
16 the superintendent, principal, or teachers of the school
17 district, and issue its negotiable coupon bonds therefor signed
18 by the president and secretary of the board, in denominations
19 of not less than \$100 nor more than \$5,000, payable at such
20 place and at such time or times, not exceeding 20 years from
21 date of issuance, as the board of education may prescribe, and
22 bearing interest at a rate not to exceed the maximum rate
23 authorized by the Bond Authorization Act, as amended at the
24 time of the making of the contract, payable annually,
25 semiannually or quarterly, but no such bonds shall be issued

1 unless the proposition to issue them is submitted to the voters
2 of the district at a referendum held at a regularly scheduled
3 election after the board has certified the proposition to the
4 proper election authorities in accordance with the general
5 election law, a majority of all the votes cast on the
6 proposition is in favor of the proposition, and notice of such
7 bond referendum has been given either (i) in accordance with
8 the second paragraph of Section 12-1 of the Election Code
9 irrespective of whether such notice included any reference to
10 the public question as it appeared on the ballot, or (ii) for
11 an election held on or after November 1, 1998, in accordance
12 with Section 12-5 of the Election Code, or (iii) by publication
13 of a true and legible copy of the specimen ballot label
14 containing the proposition in the form in which it appeared or
15 will appear on the official ballot label on the day of the
16 election at least 5 days before the day of the election in at
17 least one newspaper published in and having a general
18 circulation in the district, irrespective of any other
19 requirements of Article 12 or Section 24A-18 of the Election
20 Code, nor shall any residential site be acquired unless such
21 proposition to acquire a site is submitted to the voters of the
22 district at a referendum held at a regularly scheduled election
23 after the board has certified the proposition to the proper
24 election authorities in accordance with the general election
25 law and a majority of all the votes cast on the proposition is
26 in favor of the proposition. Nothing in this Act or in any

1 other law shall be construed to require the notice of the bond
2 referendum to be published over the name or title of the
3 election authority or the listing of maturity dates of any
4 bonds either in the notice of bond election or ballot used in
5 the bond election. The provisions of this Section concerning
6 notice of the bond referendum apply only to (i) consolidated
7 primary elections held prior to January 1, 2002 at which not
8 less than 60% of the voters voting on the bond proposition
9 voted in favor of the bond proposition, and (ii) other
10 elections held before July 1, 1999; otherwise, notices required
11 in connection with the submission of public questions shall be
12 as set forth in Section 12-5 of the Election Code. Such
13 proposition may be initiated by resolution of the school board.
14 If a majority of the persons voting on a bond proposition vote
15 "No", then the proposition must not be submitted again in the
16 school district for at least 22 months. If the school district
17 has an emergency situation that requires that such a
18 proposition be placed on the ballot, then the district may
19 petition the local circuit court.

20 With respect to instruments for the payment of money issued
21 under this Section either before, on, or after the effective
22 date of this amendatory Act of 1989, it is and always has been
23 the intention of the General Assembly (i) that the Omnibus Bond
24 Acts are and always have been supplementary grants of power to
25 issue instruments in accordance with the Omnibus Bond Acts,
26 regardless of any provision of this Act that may appear to be

1 or to have been more restrictive than those Acts, (ii) that the
2 provisions of this Section are not a limitation on the
3 supplementary authority granted by the Omnibus Bond Acts, and
4 (iii) that instruments issued under this Section within the
5 supplementary authority granted by the Omnibus Bond Acts are
6 not invalid because of any provision of this Act that may
7 appear to be or to have been more restrictive than those Acts.

8 The proceeds of any bonds issued under authority of this
9 Section shall be deposited and accounted for separately within
10 the Site and Construction/Capital Improvements Fund.

11 (Source: P.A. 91-57, eff. 6-30-99; 92-6, eff. 6-7-01.)

12 (105 ILCS 5/19-9) (from Ch. 122, par. 19-9)

13 Sec. 19-9. Resolution to issue bonds - Submission to
14 voters. Before any district as described in Section 19-8 shall
15 avail itself of the provisions of that section the governing
16 body thereof shall examine and consider the several teachers'
17 orders or claims, or both, proposed to be paid and if it
18 appears that they were authorized and allowed for proper school
19 purposes it shall adopt a resolution so declaring and set forth
20 and describe in detail such teachers' orders and claims and the
21 adoption of the resolution shall establish the validity
22 thereof, notwithstanding the amount of such orders and claims
23 may exceed in whole or in part any applicable statutory debt
24 limit in force at the time the indebtedness evidenced by such
25 orders and claims was incurred. The resolution shall also

1 declare the intention of the district to issue bonds for the
2 purpose of paying such teachers' orders or claims, or both, and
3 direct that notice of such intention be published at least once
4 in a newspaper published within the district and if there be no
5 newspaper published within the district then notice shall be
6 published in a newspaper having general circulation within the
7 district. The notice shall set forth (1) the time within which
8 a petition may be filed requesting the submission of the
9 proposition to issue the bonds as hereinafter in this Section
10 provided; (2) the specific number of voters required to sign
11 the petition; and the date of the prospective referendum. The
12 recording officer of the district shall provide a petition form
13 to any individual requesting one. If within 30 days after such
14 publication of such notice a petition is filed with the
15 recording officer of the district, signed by the voters of the
16 district equal to 10% or more of the registered voters of the
17 district requesting that the proposition to issue bonds as
18 authorized by Section 19-8 be submitted to the voters thereof,
19 then the district shall not be authorized to issue bonds as
20 provided by Section 19-8 until the proposition has been
21 submitted to and approved by a majority of the voters voting on
22 the proposition at a regular scheduled election. The board
23 shall certify the proposition to the proper election
24 authorities for submission in accordance with the general
25 election law. If no such petition with the requisite number of
26 signatures is filed within said 30 days, or if any and all

1 petitions filed are invalid, then the district shall thereafter
2 be authorized to issue bonds for the purposes and as provided
3 in Section 19-8. If a majority of the persons voting on a bond
4 proposition vote "No", then the proposition must not be
5 submitted again in the school district for at least 22 months.
6 If the school district has an emergency situation that requires
7 that such a proposition be placed on the ballot, then the
8 district may petition the local circuit court.

9 (Source: P.A. 87-767.)

10 Section 90. The State Mandates Act is amended by adding
11 Section 8.31 as follows:

12 (30 ILCS 805/8.31 new)

13 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8
14 of this Act, no reimbursement by the State is required for the
15 implementation of any mandate created by this amendatory Act of
16 the 95th General Assembly.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.